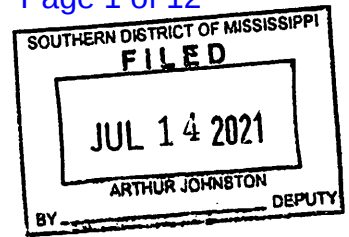


AFFIDAVIT IN SUPPORT OF THE FACTS, Rebutting the Presumption of Presumption

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION



Moffett, et al.,

v.

2:19-CV-00193-HSO-MTP

Pennymac, et al.,

We do formally challenge your presumption of presumption

An affidavit based on either firsthand knowledge, events, experience, and or observations:

I. Clarifying the public record

1. According to Oxford Learner's Dictionary, Presumption (law) refers to the act of supposing that something is true, although it has not yet been proved [a Lie, I E: either it is true or it is not it can't be a maybe!] or is not certain. Hence, the presumption is a supposition based on a policy of law and not just upon facts (or evidence).
2. Yet in the United States of America, even in the state of Mississippi the Court is supposed to rely on facts and conclusions of law, and the United States, the law is the common law of the Bill of Rights of the United States Constitution.
 - i. The Bill of Rights is founded on the common law, securing within that law to, any person citizen or not, who is involved a controversy of greater the \$20 to a trial by common law, this is fact.

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

- ii. If in **the Bill of Rights**, is the right to fair and impartial trial, but no distinction as to whether or not it is a criminal, civil, administrative, statutory, legislative, military, and/or otherwise trial.

- 3. In the instant matter provided for service to the Court documenting our practice of dissipation, and the Court has participated in an act of Gatekeeping, Gatekeeping is defined as: The activity of controlling, and usually limiting, general access to something.
- 4. We find that the Courts are well knowledgeable, the administrative office of the United States Courts, has utilized the Office of the clerk, to impede our access via presumptions, and we object.

II. Elements of gatekeeping and fraud upon the Court:

- 1. The Court permitted for opposing party to file an amended complaint, a complaint that was specifically dealing with an arbitration award, and whether or not it should be vacated by the Court.- see: 9 USC 9, 10, 11.
- 2. This places the matter within the jurisdiction of the federal arbitration act, which has no provision under the aforementioned congressional ACT for combining civil litigation with the exception clause prescribed under the aforementioned statute.
- 3. The Court, being versed in the law and knowledgeable of the statute and the statutes requirements ignored the statute, only do requirements of the statute. By going so others have relied upon the Court's attention as subjugation of the statute, thereby it at no time explained his rationale and or reasoning for such reliance, to the detriment, harm, and disadvantage of the petitioner(s) either collectively or individually.

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

4. The Court this is what the apparent sole intent on preventing the petitioner's from having the matter dismissed, with prejudice as required by law. For the opposing party by and through the alleged counsel, as no power of attorney has been placed into the record verifying that these individuals who have claimed that they are representative of a party who has never made an appearance in this matter, having filed an identical complaint in a different state bringing forth a very same claim, demanding a very same remedy as was done here, and you for giving an opportunity to remedy that mistake after the information was placed on the record that such a violation of law "Nope. This is not proper. The plaintiff cannot get two bites at the same apple. In response to the second lawsuit, one only need to advise the court of the duplicate filing (although some court clerks actually catch this and bring the file up to the judge on the trial date)."
5. It appears that there is a lot of understanding, as it doesn't matter that the first judge decided on the case, what matters is that individuals were having to defend against the exact same nonsense into the jurisdiction that the exact same time, this is called double jeopardy. As there is a penalty associated with defending both matters (first the act of having to defend against the a claim is a penalty, because time expense and energy is utilized, second the fact that a matter is pending before a another jurisdiction for the exact same cause of action, involving the exact same contract, by the exact same parties, is illegal, unconstitutional, and unlawful).
6. The intent behind action and or prove claims, was to burden the counter-plaintiffs by having them defend against two separate matters into separate jurisdiction

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

separate jurisdiction, which is the very definition of violation of the Double Jeopardy Clause which is part of the due process provisions of the Bill of Rights.

7. We will prove that the responding party's had the intent to do these things, as the record provides ample proof as to their event, we need to prove that there was an agreement between the parties to accomplish a specific goal.

Conspiracy against rights equaling the fraud upon the court:

8. The court in its infinite wisdom promoted the opposing party as noted the following amended complaint, problem knowledgeable one of the defendants was confined in a penal institution (later exonerated, charges brought in that formal matter dismissed due to lack of evidence), and that challenge to the manner of service of process upon that individual was presented the court and to the present day never address.
9. The very same court announced in its motion denying summary judgment of a partial nature, that the parties had not been properly served so it guessed. There has been no correction of the record, no evidence presented the court providing proof that service was proper, and the courts own very order vindicated the counter-plaintiff's contention that they have not been properly served. Yet the court of the court, without a no request being placed before the court, documenting proper service. The respondents was to request anew, as ordered by the court which required notification, no notification exist. Without any service of process of the new request for default by the clerk at the request of the respondents, issued a default against each of the counter-plaintiff's, doing so the day prior to the court scheduling the unlawful bench-trial.

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

10. As the court noted, if all the parties have not been properly served, and there is no evidence in the record to validate such service, in fact the evidence in the record invalidates the method and manner of service utilized by the respondents, then there could be no trial date setting, there could be no issuance of any type of default, and or borders of the court upon the parties, and self-service admin proper.
11. We have challenged the service of process, the court has agreed that there are questions regarding the service of process, but like a steamroller, it is deciding to ignore the rights of the counter-plaintiffs all in an effort to get a judgment by default as a result of its conspiracy what the counter defendant.
12. This court has received a notice of change of address, has been provided a lawful address in which to communicate with one of the counter-plaintiffs with whom the court has specifically decided to discriminate against. In an effort to cause stress, harassment, agitation and to abuse the process of access, the court continues to deliver mail contrary to the legal mail instructions provided. The address provided the court is the very same address registered with the United States Postal Service, that is provided for under provision G of the domestic postal manual otherwise known as DMM. The court has intentionally and deliberately failed to communicate any conflict with either an address, and or address the issue of the timely filing and mailing of the counterclaim and instant matter. All for the financial game of the judicial officers, the court system, and the counter-defendant.

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

13. The law provides that a pro se litigants are to be held to a less stringent standard than that of studied attorneys, learned students of law, yet the court's failure to address the concerns of the petitioners, failure to answer questions, and failure to address the challenge to its jurisdiction which is permissible when two identical claims are brought into two different jurisdictions involving the same parties, same matter, same issue, the same contract, the same dispute. 'Challenge to the Jurisdiction is proper, and by law the court can't to move unless it address the issue and does so on the record, and by not doing so, this has given support to the claim of intentional and deliberate deception, and fraud upon the court, upon the public, and upon the counter-plaintiff.
14. The court issues an order setting a trial date, and specifically stating that it will **PROCEED WITH A BENCH TRIALS OVER THE OBJECTIONS OF THE PARTIES, WHO HAVE DEMANDED A COMMON-LAW TRIAL BY JURY.** It sets a court date, the day after the clerk of the court has issued a default claim against all of the counter plaintiff's, this is amazing. Obviously the court will say that it did not know, it was unaware of the clerk actions the day prior. This is very difficult to believe, because **the court issued an order denying the request for partial default judgment against the parties, because it stated that the parties had not been properly served in its opinion, and or that service was in question, so upon what basis was the clerk of the court issuing an order for default** (and yes the clerk's entry is in order on an administrative level)? When the court had already issued an order respecting the exact same issue? It is believed that it appears that the court and the clerk along with the opposing parties

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

have conspired to arrange to have the matter dismissed at the next hearing whereby the court has ordered the parties to be present, knowing that anyone who is over 80 miles from the courts then you are not required to be present in the physical form but may be present before the court without submitting to the court's jurisdiction via telephone communication. The court has not notified any of the pro se parties of their right to be present telephonically, even when one party is over 2800 miles away, this was intentional, how so?

- a. Because it was the court who noted on the record along with its so-called magistrate, that the pro se parties were not knowledgeable the rules of the court, in fact ignorance of rules should not be a disability or impairment, as the courts are there and in place to assist in situations such as this. The complexities of this matter, the fact that this matter involves issues of fact and law respecting the interpretation of law and statute, and that one of the parties has petition the court for counsel to represent their interests involving these complicated and detailed matters, the court has intentionally allowed members of the public, citizens of various states to have their rights infringed upon and has condoned by its acts and/or interactions such conduct and we must object. It is our opinion that the court has been highly prejudicial towards these counter-plaintiffs and we object.

III. Postponement is warranted and objection as to the lake motions filing:

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

1. as noted the opposing party have learned counsel, they are aware of the filing deadlines, and yet they continue to file motions into this matter, I thought/we thought that the court was following a set of rules. It appears that we are unfamiliar with these rules of the court and we must ask the court to point out precisely which rules it is following? And if it is following these rules how come there has been deviation from the set rules and parameters which the court is following. We have made our federal questions very clear before the court each, we have challenged jurisdiction, we have challenged service of process, we have challenged communication between the clerk and the parties, we have challenged the double jeopardy issue, and we have challenged the courts refusal to recognize our counterclaim and complaint. Each one of these challenges it appears the court has taken personal offense to which is prohibited from doing so by law we must object to such unbecoming conduct, as it does not represent the sanctity of the craft.

It appears the court is aiming to get a conspiracy judgment against the parties so that it can have its cohorts, fellow officers of the court, the Department of Justice proceed to bring baseless charges against the counter-plaintiff's. This court and its sister-court in Virginia has already participated in violating the rights of a member of the counter-plaintiffs, even forcing by court order, to serve documents upon one of the members of this class/group, in violation of every known law of due process. Your jurisdiction has been challenged only to be ignored, because as we mentioned earlier, the courts will do whatever the courts will do 'damn-the-law' or the heavens from which they came''.

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

2. We made note to the court that the United States Postal Service was interfering with the passage of the mails, we provided our petition to the court for it to order subpoenas only to be ignored by the court. We have served our subpoenas upon the parties for which to gather information to be ready for the unlawful trial scheduled by this court, so that we can call and present witnesses in our defense and an offense to prove that the court is acting in violation of law and due process. This court has not even attempted to address the issue of our right to subpoena witnesses. This court has not even attempted to address the issue of our right to subpoena the clerk style manual, and or the court's financial records which by law we have the right to do so if we are challenging the court's jurisdiction. For instance, this court receives an annual budget, Congress as a result of the taxes paid by the counter-plaintiffs i.e. the petitioner's, contribution 'PENAL N Nature' present such a budget to the "Administrative Office of the United States Courts", who then distributed to the respective courts according to their financial needs. This budget provided this court as part of the records maintained by the courts administrative offices located within the facility where the court resides, as well as at the administrative office of the United States courts at Washington DC. We have the absolute right to challenge the fact that this court has attempted to solicit monies in addition to those fees which covers the filing of documents, the salaries of employees, stationery supplies, security, maintenance, equipment, and the like is actionable. The requiring of a fee to access the court, which is already covered by tax revenues collected from the counter-plaintiffs amounts to double jeopardy. However, it is our claim and our charge that this double jeopardy is participated

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

and perpetuated throughout the justice system which appears by nature to be criminal in instances such as this. This court will ignore each of these claims, because it has done so in the past, however, by law, we must bring forth our claims and place them on the record of this matter, since this court claims, professes, alleges to be, “a court of record”.

3. Like all of the bodies that it has quoted from, this court has placed its statements on the record, being either fact or conclusion of law, and has blocked every single rebuttal placed on the record to those baseless statements by the court. The same thing as occurred in Virginia, and the courts have been creating a reputation for **SITCOMM ARBITRATION ASSOCIATION** that it has failed to participate in any of the matters for which it has been brought in as a claimant and/or an opposing party. Which is very inaccurate, as we have not walked away, back down, and/or stopped addressing the courts, as the right to counsel is not subject to scrutiny. There are 10 active appeals that are pending before the several appeals courts throughout the United States, because these lawsuits brought by these attorneys, and allowed by these judges was an active scheme to interfere with our ability to be licensed and bonded federally, to have insurance to protect our interest.
4. What the courts and the opposing parties have done, is they have allowed parties to bring forth civil litigation and a motion to vacate an arbitration award proceeding, which has been held to be a summary disposition proceeding only. In fact, the Supreme Court has held that in summary disposition proceedings such as a motion to vacate, there can be no exceptions added to these proceedings if it is

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

not spelled out specifically within the provisions of the FEDERAL ARBITRATION ACT section on vacating awards. Archer was a unanimous decision making that the law of the court, yet these courts have been ignoring the Supreme Court's intent, the congressional intent, the will of the people, and the contract between the parties, and we object.

5. **Let's not forget that the opposing party has admitted to receiving the contract, admitted to having a prior relationship and/or contract with the parties, admitted to receiving the notice of arbitration, all in the very same petition, stated that they never received the documents that they placed on the record admitting that they received.** We highlighted this knowing contradiction and false statement placed on the record **which invalidates their entire claim, and yet the court chooses to ignore.** This is why we've asked for a trial by jury, because no reasonable jury can ignore the facts, this court has done everything within its power to prevent us from having our trial by jury as the law requires, and we object.

So, May each of these be construed as are stated claims, may they also be construed as binding and necessary issues to be responded to with facts AND conclusions of actual law.

Verification: the aforementioned is present at this body as stated and is ascribe, and or attested before God the original notary of which fact no one can lawfully and or legally refute, on this the

AFFIDAVIT CHALLENGING JURISDICTION AND CONTINUAL OBJECTION

13th of July 2021 as such, with penalties under divine retribution if it is to the contrary, so help us
God.” ” ” ” ”

s:/ p.p. Sandy Goulette

s:/ p.p. Sitcomm Arbitration Association

s:/ p.p. “Eeon”

s:/ p.p. Rance Magee

s:/ p.p. Brett “EeoN” Jones

s:/ p.p. Kirk Gibbs

s:/  p.p. Mark Moffett

s:/ p.p. Ronnie Kahapea

s:/ p.p. Mark Johnson

CERTIFICATE OF SERVICE

I, Mark Moffett certify that the aforementioned was mailed via United States Postal

Service to the following:

United States District Court
Southern District of Mississippi
701 N Main Street
Hattiesburg, MS 39401-3410

On this 13th day of July 2021.

/s/ Mark Moffett